

10/516674

Rec'd PTO 06 DEC 2004

Docket No.: 5000-0107PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Eberhard AMMERMAN et al.

Application No.: Not Yet Assigned

Confirmation No.: N/A

Filed: December 6, 2004

Art Unit: N/A

For: FUNGICIDAL MIXTURES BASED ON  
BENZAMIDEOXIME DERIVATIVES,  
BENZOPHENONES AND ON AN AZOLE

Examiner: Not Yet Assigned

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

A copy of each reference on the PTO/SB/08 is attached. Additionally, EP-1017670 corresponds to U.S. Patents 6,420,605; 6,680,402 and 6,509,501; EP-0531837 corresponds to U.S. Patents 5,260,326; 5,317,027; 5,399,579 and 5,484,779; EP-0645091 corresponds to U.S. Patents 5,476,868; 5,532,260 and 5,587,365; WO 97/06678 corresponds to U.S. Patent 5,994,382; EP-0196038 corresponds to U.S. Patents 4,652,580 and 4,906,652; EP-0804421

Application No.: Not Yet Assigned

Docket No.: 5000-0107PUS1

corresponds to U.S. Patents 5,869,517 and 6,054,592; and WO 02/056686 corresponds to Canadian patent 2,434,684.

A concise explanation of relevance of some of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

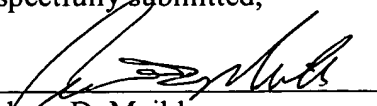
It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 6, 2004

ADM/clb

Respectfully submitted,

By   
Andrew D. Meikle  
Registration No.: 32,868  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Rd  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorneys for Applicant

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	Not Yet Assigned	
			Filing Date	December 6, 2004	
			First Named Inventor	Eberhard AMMERMANN	
			Art Unit	N/A	
			Examiner Name	Not Yet Assigned	
Sheet	1	of	2	Attorney Docket Number	5000-0107PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	AA	US-4,906,652	03-06-1990	KARBACH et al.	
	AB	US-5,869,517-A	02-09-1999	MÜLLER et al.	
	AC	US-6,054,592-A	04-25-2000	MÜLLER et al.	
	AD	US-4,652,580	03-24-1987	JANSSEN et al.	
	AE	US-6,680,402-B2	01-20-2004	EICKEN et al.	
	AF	US-6,509,501-B2	01-21-2003	EICKEN et al.	
	AG	US-5,260,326-A	11-09-1993	SAUTER et al.	
	AH	US-5,317,027-A	05-31-1994	SAUTER et al.	
	AI	US-5,399,579-A	03-21-1995	SAUTER et al.	
	AJ	US-5,484,779-A	01-16-1996	SAUTER et al.	
	AK	US-5,476,868-A	12-19-1995	WINGERT et al.	
	AL	US-5,532,260-A	07-02-1996	WINGERT et al.	
	AM	US-5,587,365-A	12-24-1996	WINGERT et al.	
	AN	US-5,994,382-A	11-30-1999	SCHWALGE et al.	
	AO	US-6,420,605-B1	07-16-2002	EICKEN et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	EP-0 727 141-A2	08-21-1996			
	BB	EP-0 897 904-A1	02-24-1999			
	BC	EP-0 899 255-B1	03-03-1999			
	BD	EP-0 967 196-A2	12-29-1999			
	BE	EP-1 023 834-A1	08-02-2000			
	BF	WO-02/062140-A1	08-15-2002			√
	BG	CA-2 434 684-A1	07-25-2002			
	BH	EP-1 077 028-A1	02-21-2001			
	BI	WO-99/14187-A1	03-25-1999			√
	BJ	EP-0 531 837-A1	03-17-1993			
	BK	EP-0 645 091-A1	03-29-1995			
	BL	WO-97/06678-A1	02-27-1997			√
	BM	EP-0 196 038-A2	10-01-1986			
	BN	WO-02/056686-A1	07-25-2002			√
	BO	WO-96/01256-A1	01-18-1996			√

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
Examiner Signature		Date Considered	

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	Not Yet Assigned
				Filing Date	December 6, 2004
				First Named Inventor	Eberhard AMMERMANN
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	2	of	2	Attorney Docket Number	5000-0107PUS1

--	--	--	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--